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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,689	12/21/2001	Hong Li	8773/118	1264

7590 06/13/2003

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EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 06/13/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,689

Applicant(s)

LI ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 5, 8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-7, 9, 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orlando, U.S. Patent No. 5724469, in view of Kles et al, U.S. Patent No. 6481662 B1.

Referring to claims 1, 9, 11, 14-16, Orlando teaches a retaining spool for retaining a length of fiber optical cable 28 comprising, a body portion 26 including a channel 56 formed around the periphery of the body portion 38 for receiving the fiber optic cable in an arc having a radius greater than a minimum bend radius of the fiber optic cable; and a plurality of legs 30 extending from the body portion, each of the legs sized and shaped to be received in an opening formed onto the base 10, for securing the retaining spool, as shown in Figs. 1-5b and described in column 2, lines 33-62.

Orland does not mention that a retaining spool for a PC board.

Kles et al teach a fiber optic cable winding assist tool having a retaining spool used in the PC board, as shown in Figs. 1-10, and described in column 1, lines 56-62.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Orlando and use it on the PC board as taught by Kles et al to provide different ways of organizing the wires.

Referring to claims 2-4, and 6, Orlando teaches the body portion 26 includes a center portion (no reference number assigned) and upper flange (part of 30) and lower flange (part of 10) portions with the channel 56 formed in between, and at least one tab 32 for retaining the fiber optic cable, as shown in Figs. 3-4b.

Referring to claims 7 and 12-13, Orland teaches each of the legs 30 includes a foot portion 64 formed at the distal end of each leg, as shown in Figs. 3-4b.

Referring to claim 17, Orlando teaches a retaining spool for retaining a length of fiber optical cable 28 comprising, a body portion 26 including a channel 56 formed around the periphery of the body portion 38 for receiving the fiber optic cable in an arc having a radius greater than a minimum bend radius of the fiber optic cable; and a plurality of legs 30 extending from the body portion, each of the legs adapted to be received in an opening formed onto the base 10, the body portion 26 includes a center portion (no reference number assigned) and upper flange (part of 30) and lower flange (part of 10) portions with the channel 56 formed in between, and at least one tab 32 for retaining the fiber optic cable, as shown in Figs. 1-5b and described in column 2, lines 33-62.

Orland does not mention that a retaining spool for a PC board.

Kles et al teach a fiber optic cable winding assist tool having a retaining spool used in the PC board, as shown in Figs. 1-10, and described in column 1, lines 56-62.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Orlando and use it on the PC board as taught by Kles et al to provide different ways of organizing the wires.

Allowable Subject Matter

Claims 18-19 are allowed.

Claims 5, 8, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicants' argument filed on 5/16/03 have been fully considered but are not persuasive with respect to claims 1-17.

In response to the Applicants' argument that the present invention that the retaining spool legs are attached to the PC board, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

6/11/03


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600